



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
501 LOW GAP ROAD • ROOM 1440 • UKIAH • CALIFORNIA • 95482

RAYMOND HALL, DIRECTOR
Telephone 707-463-4281
FAX 707-463-5709
pbs@co.mendocino.ca.us
www.co.mendocino.ca.us/planning

November 22, 2004

NOTICE OF FINAL ACTION

Action has been completed by the County of Mendocino on the below described project located within the Coastal Zone.

CASE#: CDU 22-2003

DATE FILED: 11/6/2003

OWNER: WESTPORT VILLAGE SOCIETY

AGENT: THAD VAN BUEREN

REQUEST: Coastal Development Use Permit to develop facilities to provide public access to the coastal bluff and beach. Proposed improvements include 1,500+- feet of trails, a footbridge, a viewing platform, a combination stairway and boat chute down the bluff face to the beach, a manual winch, one ADA-compliant parking space, 85 feet of split rail fence, 10 signs, 3 vehicle gates, and log vehicle barriers.

LOCATION: In the Coastal Zone, in Westport, between Highway 1 and the ocean, extending 950+- feet south from the southerly portion of Omega Drive, located at 38950 North Highway 1; AP# 013-300-61, 013-300-62, 013-300-63, and 013-320-01.

PROJECT COORDINATOR: Charles Hudson

ACTION TAKEN:

The Planning Commission, on November 4, 2004, approved the above described project. See attached documents for the findings and conditions in support of this decision.

The above project was not appealed at the local level.

This project is appealable to the Coastal Commission pursuant to Public Resources Code, Section 30603. An aggrieved person may appeal this decision to the Coastal Commission within 10 working days following Coastal Commission receipt of this notice. Appeals must be in writing to the appropriate Coastal Commission district office.

Attachments

cc: WESTPORT VILLAGE SOCIETY
THAD VAN BUEREN
COASTAL COMMISSION
ASSESSOR

**MENDOCINO COUNTY PLANNING COMMISSION
DRAFT MINUTES
NOVEMBER 4, 2004**

4B. CDU 22-2003 – WESTPORT VILLAGE SOCIETY – In Westport

Request: Coastal Development Use Permit to develop facilities to provide public access to the coastal bluff and beach. Proposed improvements include 1,500+- feet of trails, a footbridge, a viewing platform, a combination stairway and boat chute down the bluff face to the beach, a manual winch, one ADA-compliant parking space, 85 feet of split rail fence, 10 signs, 3 vehicle gates, and log vehicle barriers.

Mr. Lynch reviewed the staff report and correspondence.

Mr. Thad Van Bueren, applicant for the project, reviewed the history of the project. He noted that the Westport Village Society is trying to provide better access, trails and parking to the site. He expressed concerns with parking on Highway 1 and visual impacts it may create. He noted that this location would be used for day use only. He explained the community meetings conducted during the planning process.

The public hearing was declared open.

Mr. William Brazill, neighboring property owner, expressed concerns with the location of the ADA-compliant parking space on Omega Drive, additional traffic on Omega Drive, and loss of public views.

Ms. Donna Traycik noted that the site has been used for school projects and advised the Commission that the children need a safe, better access to the beach.

Ms. Jenny Shattuck spoke in support of the project.

Mr. Toby Hickman expressed concerns on the location of the proposed parking lot.

Mr. Ken Reimers requested that the proposed parking be located with the existing parking along Highway 1.

Mr. Jeff Whitehouse, member of the Westport Village Society, spoke in support of the application.

Ms. Mildred Saunders believed that one additional parking space would not impact the traffic on Omega Drive.

Ms. Marie Fostak, owner of the Westport Store, noted that she provides a public restroom to anyone using the property. She stated that the requirement to provide ADA parking is required as a condition of the grant from the Coastal Conservancy.

Mr. Jeff Hill expressed concerns with the parking on Omega Drive.

Mr. Raymond Bowen stated that he supported the project and is a retired civil engineer that has worked on ADA parking.

**MENDOCINO COUNTY PLANNING COMMISSION
MINUTES****NOVEMBER 4, 2004
PAGE 2**

The public hearing was declared closed.

Mr. Van Buren discussed the need for ADA parking due to the Coastal Conservancy grant. He noted that the Omega Drive parking location meets the County Department of Transportation's requirements.

Commissioner Barth handed out pictures of the site during a recent site view. She thought that traffic should not be a problem on Omega Drive from one additional parking space. She discussed some of the vegetation on the property.

Upon motion by Commissioner Barth, seconded by Commissioner Nelson and carried by the following roll call vote, IT IS ORDERED that the Planning Commission adopts a Negative Declaration and approves Use Permit #CDU 22-2003, making the following findings and subject to the following conditions of approval:

General Plan Consistency Finding: As discussed under preceding sections of the staff report, the proposed project is consistent with applicable goals and policies of the General Plan as subject to the conditions being recommended by staff.

Environmental Findings: The Planning Commission finds that no significant environmental impacts would result from the proposed project, which can not be adequately mitigated through the conditions of approval, therefore, a Negative Declaration is adopted.

Department of Fish and Game Findings: The Planning Commission has evaluated the Initial Study and other information pertinent to the potential environmental impacts of this project and finds that, based upon the existing and proposed development on the subject parcel, the project will not have any adverse impact upon wildlife or the habitat upon which wildlife depends and, therefore, the Commission has rebutted the presumption set forth in subdivision (d) of Section 753.5.

Coastal Development Permit Findings: The Planning Commission finds that the application and supporting documents and exhibits contain information and conditions sufficient to establish, as required by Section 20.532.095 of the Coastal Zoning Code, that:

1. The proposed development is in conformity with the certified local coastal program; and
2. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities; and
3. The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of the Coastal Zoning Code, and preserves the integrity of the zoning district; and
4. The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.
5. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.
6. Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development.

**MENDOCINO COUNTY PLANNING COMMISSION
MINUTES**

**NOVEMBER 4, 2004
PAGE 3**

7. The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan.
8. Environmentally Sensitive Habitat Areas.
 - (a) The resource as identified will not be significantly degraded by the proposed development.
 - (b) There is no feasible less environmentally damaging alternative.
 - (c) All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.

Project Findings: The Planning Commission making the above findings, approves #CDU 22-2003 subject to the conditions of approval recommended by staff.

CONDITIONS OF APPROVAL:

1. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Game filing fees required or authorized by Section 711.4 if the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$25.00 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to November 19, 2004. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void.
2. This permit shall become effective after all applicable appeal periods have expired, or appeal processes have been exhausted, and after any fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Department of Planning and Building Services. Failure of the applicant to make use of this permit within 2 years or failure to comply with payment of any fees within specified time periods shall result in the automatic expiration of this permit.
3. The stair and boat chute shall be designed and constructed in accordance with the recommendations contained in the geotechnical report dated February 27, 2003, prepared by BACE Geotechnical.
4. Prior to the issuance of the Coastal Development Permit, the landowner, Westport Village Society, Inc., shall execute and record a deed restriction, in a form and content acceptable to the Coastal Permit Administrator, which shall provide as follows:
 - a. The landowner understands that the site may be subject to extraordinary geologic and erosion hazard and the landowner assumes the risk from such hazards.

**MENDOCINO COUNTY PLANNING COMMISSION
MINUTES****NOVEMBER 4, 2004
PAGE 4**

- b. The landowner agrees to indemnify and hold harmless the County of Mendocino, its successors in interest, advisors, officers, agents and employees against any and all claims, demands, damages, costs, and expenses of liability (including without limitation attorneys' fees and costs of the suit) arising out of the design, construction, operation, maintenance, existence or failure of the permitted project, including, without limitation, all claims made by any individual or entity or arising out of any work performed in connection with the permitted project.
 - c. The landowner agrees that any adverse impacts to the property caused by the permitted project shall be fully the responsibility of the applicant.
 - d. The landowner shall not construct any bluff or shoreline protective devices to protect the improvements in the event that these structures are subject to damage, or other erosional hazards in the future.
 - e. The landowner shall remove the trail and associated developments when bluff retreat reaches the point at which the structure is threatened. In the event that improvements associated with the trail fall to the beach before they can be removed from the blufftop, the landowner shall remove all recoverable debris associated with these structures from the beach and ocean and lawfully dispose of the material in an approved disposal site. The landowner shall bear all costs associated with the removal.
 - f. The document shall run with the land, bind all successors and assignees, and shall be recorded free of all prior liens and encumbrances, except for tax liens.
5. Construction and operation of the project shall incorporate all of the recommended mitigation measures contained in Wetland Survey dated June 2004 prepared by William Maslach, including those specified in Table 3 Development Criteria Matrix attached to the Wetland Survey.
6. Prior to the issuance of the Coastal Development Permit, the applicant shall obtain either a streambed alteration agreement for construction of the footbridge from the Department of Fish and Game, or a determination from Department of Fish and Game that no agreement is required, and shall provide a copy to the Department of Planning and Building Services.
7. With the exception of equipment necessary for construction of the proposed improvements, and the use of the ADA parking space, vehicles and heavy equipment shall not be operated on the parcel within 100 feet of the wetland or the outer limit of the riparian corridor along the drainage bisecting the property. In accordance with the Westport Headlands Management Plan, removal of exotic plant species and reestablishment of native species shall be done by hand, with the objective of minimum adverse impact within the buffer.
8. In conformance with encroachment permit procedures administered by the Mendocino County Department of Transportation, the applicant shall construct and maintain a standard private driveway approach onto Omega Drive (CR# 428E) having a minimum width of 27 feet, improved 15 feet back from the edge of the County road, surfaced with surfacing comparable to that on the County road.

**MENDOCINO COUNTY PLANNING COMMISSION
MINUTES****NOVEMBER 4, 2004
PAGE 5**

9. Any work within the Highway 1 right of way shall be completed in accordance with encroachment procedures administered by California Department of Transportation.
10. Signs shall be constructed of wood if feasible. Structural supports for the signs shall be a dark, non-reflective, unobtrusive color. Entry signs shall be designed and located to avoid blocking public views of the ocean. Signs along Highway 1 and Omega Drive shall conform with setback requirements.
11. The recommendations for protection of cultural resources described in the Archaeological Survey prepared by Thad Van Bueren, MA, dated December 2, 2000, shall be incorporated into the development of the site. In the event that archaeological resources are encountered during construction of the project, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.
12. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Title 20 of the Mendocino County Code unless modified by conditions of the use permit.
13. The application along with supplemental exhibits and related material shall be considered elements of this entitlement and compliance therewith shall be mandatory, unless a modification has been approved by the Planning Commission.
14. This permit is subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
15. This permit shall be subject to revocation or modification by the Planning Commission upon a finding of any one or more of the following grounds:
 - a. The permit was obtained or extended by fraud.
 - b. One or more of the conditions upon which the permit was granted has been violated.
 - c. The use for which the permit was granted is conducted in a manner detrimental to the public health, welfare or safety, or is a nuisance.
 - d. A final judgment of a court of competent jurisdiction has declared one or more of the conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more of the conditions.

Any revocation shall proceed as specified in Title 20 of the Mendocino County Code.

16. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit boundaries are different than that which is legally required by this permit, this permit shall become null and void.

**MENDOCINO COUNTY PLANNING COMMISSION
MINUTES**

**NOVEMBER 4, 2004
PAGE 6**

AYES: Calvert, Edwards, Lipmanson, Little, Nelson, Barth, McCowen
NOES: None
ABSENT: None



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October 8, 2004

**NOTICE OF PUBLIC HEARING AND AVAILABILITY OF DRAFT NEGATIVE
DECLARATION FOR PUBLIC REVIEW**

NOTICE IS HEREBY GIVEN THAT the Mendocino County Planning Commission at its regular meeting on Thursday, November 4, 2004, at 9:00 a.m., to be held in the Board of Supervisors Chambers, 501 Low Gap Road, Ukiah, California, will conduct a public hearing on the following project and the Draft Negative Declaration at the time listed or as soon thereafter as the item may be heard.

CASE#: CDU 22-2003

DATE FILED: 11/6/2003

OWNER: WESTPORT VILLAGE SOCIETY

AGENT: THAD VAN BUEREN

REQUEST: Coastal Development Use Permit to develop facilities to provide public access to the coastal bluff and beach. Proposed improvements include 1,500+- feet of trails, a footbridge, a viewing platform, a combination stairway and boat chute down the bluff face to the beach, a manual winch, one ADA-compliant parking space, 85 feet of split rail fence, 10 signs, 3 vehicle gates, and log vehicle barriers.

LOCATION: In the Coastal Zone, in Westport, between Highway 1 and the ocean, extending 950+- feet south from the southerly portion of Omega Drive, located at 38950 North Highway 1; AP# 013-300-61, 013-300-62, 013-300-63, and 013-320-01.

PROJECT COORDINATOR: Charles Hudson

ENVIRONMENTAL DETERMINATION: The Department of Planning and Building Services has prepared a Draft Negative Declaration for the above project (no significant environmental impacts are anticipated which cannot be adequately mitigated). A copy of the Draft Negative Declaration is available for public review at 501 Low Gap Road, Room 1440, Ukiah, California, and at 790 South Franklin Street, Fort Bragg, California. The staff report and notice are available on the Department of Planning and Building Services website at www.co.mendocino.ca.us/planning.

Your comments regarding the above project and/or the Draft Negative Declaration are invited. Written comments should be submitted to the Department of Planning and Building Services, at 501 Low Gap Road, Room 1440, Ukiah, California, no later than November 3, 2004. Oral comments may be presented to the Planning Commission during the public hearing.

The Planning Commission's action regarding the item shall constitute final action by the County unless appealed to the Board of Supervisors. If appealed, the Board of Supervisors action shall be final except that an approved project may be appealed to the Coastal Commission in writing within 10 working days following Coastal Commission receipt of a Notice of Final Action on this project. To file an appeal of the Planning Commission's decision, a written statement must be filed with the Clerk of the Board with a filing fee within 10 calendar days of the Planning Commission's decision. If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Department of Planning and Building Services or the Planning Commission at, or prior to, the public hearing. All persons are invited to appear and present testimony in this matter.

Additional information regarding the above noted item may be obtained by calling the Department of Planning and Building Services at 463-4281, Monday through Friday, 8:00 a.m. through 5:00 p.m. Should you desire notification of the Planning Commission's decision you may do so by requesting notification in writing and providing a self-addressed stamped envelope to the Department of Planning and Building Services.

RAYMOND HALL, Secretary to the Planning Commission

STAFF REPORT FOR COASTAL DEVELOPMENT USE PERMIT

**#CDU 22-2003
NOVEMBER 4, 2004
PAGE PC-1**

OWNER: WESTPORT VILLAGE SOCIETY
PO BOX 446
WESTPORT, CA 95488

AGENT: THAD VAN BUEREN
PO BOX 326
WESTPORT, CA 95488

REQUEST: Coastal Development Use Permit to develop facilities to provide public access to the coastal bluff and beach. Proposed improvements include 1,500+- feet of trails, a footbridge, a viewing platform, a combination stairway and boat chute down the bluff face to the beach, a manual winch, one ADA-compliant parking space, 85 feet of split rail fence, 10 signs, 3 vehicle gates, and log vehicle barriers.

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TOTAL ACREAGE: 9.0+- acres.

GENERAL PLAN: Rural Village (RV)

ZONING: Rural Village (RV)

EXISTING USES: Open space and recreation

ADJACENT ZONING: North, East and South: RV
West: Ocean

SURROUNDING LAND USES: North, East and South: RV
West: Ocean

SURROUNDING LOT SIZES: North and South: Residential
East: Commercial and Residential
West: Ocean

SUPERVISORY DISTRICT: 5

OTHER RELATED APPLICATIONS ON SITE OR SURROUNDING AREA:

Coastal Development Subdivision #CDS 5-91.

BACKGROUND: The Westport Headlands Management Plan, prepared in February 2001, provides the following overview of events leading to submittal of this application:

The Westport headlands have always played a significant role in the life of this rural Mendocino County town. Initial settlement of the town in the late nineteenth century depended on the use of the headlands for lumber milling and the shipment of cargo and passengers on seagoing vessels loaded from two wharves. As roads replaced transportation by ships and the town's lumber mill declined, the importance of the headlands became increasingly linked to its scenic, recreational, and subsistence fishing values. These values have continued to assume larger importance as tourism has expanded in the latter part of the twentieth century. The incomparable views across this now open and undeveloped parcel have for many years served as the front door of the community, providing access to the Pacific Ocean for local residents and the visiting public.

In 1994, the 8.98-acre headlands parcel was approved for subdivision into six lots. The Westport Village Society (WVS), a local non-profit public benefit corporation, was formed at that time in part to seek ways to avoid the loss of this important public and community resource. The involvement of the WVS and the California Coastal Commission in the approval process for the subdivision resulted in the creation of recorded offers to dedicate public access across the subdivision from State Highway 1 to the Pacific Ocean ... The WVS, with the assistance from the Coastal Conservancy and Mendocino Land Trust, Inc. and advice from the California Coastal Commission and County, subsequently acquired the entire headlands property in August 2000.

PROJECT DESCRIPTION: The Westport Village Society proposes to construct public access facilities on a 9+- acre parcel in Westport, between Highway 1 and the ocean. The primary features of the project will be improved pedestrian footpaths to the bluff top, a combination stair and boat chute down the bluff to the beach, and a parking space, a hard-surfaced trail, and a viewing platform, all accessible to visitors with disabilities. The parcel has a history of use by the Westport community and visitors. Several unimproved trails cross the parcel between the highway and the bluff. There is a trail down the bluff to the beach, along with a crude boat chute. Community events such as fire department barbecue fundraisers have been held on the site. The goal of the WVS project is to improve the access facilities on the site with increased safety for users, and improved protection for natural and cultural resources that exist on the property.

Development of access trails will primarily entail minor improvement, mowing, and maintenance of existing trails. Gravel or wood chip surfacing may be applied as necessary to prevent wear and erosion. Some existing trails in areas of botanical or cultural resources, or in dangerous areas, will be closed. Only the accessible path to the scenic overlook platform will have a hard surface, proposed to be cemented native soil and gravel. A redwood footbridge 5 feet-6 inches wide by 20 feet long, supported on steel beams anchored on concrete abutment pads, is to be constructed to cross a drainage swale that bisects the property.

The combination stairway and boat chute down the bluff to the beach will be constructed of redwood, supported on concrete piers cast in drilled holes. The bottom of the redwood stair will be supported on a concrete stair anchored to bedrock at the foot of the bluff. The stairway will rise approximately 50 feet from the beach, and will generally follow the slope of the bluff face. Wood slides mounted above the stairway handrails will provide a boat chute for moving boats between the blufftop and the beach. A hand-operated winch at the top of the stair will be provided to assist in the process.

The Americans with Disabilities Act (ADA) compliant parking space, trail, and overlook platform are to be constructed at the north end of the site. The parking space will have access onto Omega Drive, will be surfaced with asphalt concrete, and marked with standard ADA signs and symbols. The 200 foot long trail to the overlook platform will be 6 feet wide, surfaced with 4 inches of cemented native soil and gravel. The overlook platform at the top of the bluff will be a hexagonal structure, approximately 12 feet in diameter, constructed of redwood, and supported on concrete cast-in-place piers. The platform deck

will be approximately two feet above grade. Four benches and an 18 inch by 36 inch interpretive panel will be provided.

Vehicle access onto the property will be limited to emergency and maintenance vehicles, and annual boat launching and retrieval for eight permit holders. Vehicle access is to be controlled by three gates at access points, (two off Highway 1 and one off Omega Drive), and log barriers along portions of Highway 1 and Omega Drive. Other than the ADA parking space, no on-site parking is proposed. Parking is available along Highway 1 and along local roads in Westport. Improved encroachments consistent with encroachment permit requirements are proposed on Highway 1 and Omega Drive.

Ten signs are proposed. Signs are to be painted metal mounted on 4x4 redwood posts five feet high. There are to be three 24" by 48" entry signs, two 12" by 24" signs warning of unstable bluffs, one "area closed" sign, one sign prohibiting overnight parking, one sign advising of restricted vehicle access, and two "no parking" signs.

A small farm shed near the south end of the parcel will be removed. An existing well will be covered. No exterior lighting is proposed. The current project does not include any restroom facilities, however, the management plan states the portable toilet facilities, or possibly even a permanent facility, may be considered at some time in the future, if warranted. Vegetation management consisting of removal of exotic species and periodic mowing will be conducted.

ENVIRONMENTAL REVIEW:

Earth (Items 1E – Erosion and 1G – Geologic Hazards): The applicant proposes to construct trails providing access to the bluff top, and a stairway and boat chute down the bluff face to the beach. Along the parcel's ocean frontage the bluff is approximately 50 feet high, with slopes ranging from two horizontal to one vertical (50%) to nearly vertical. There is sandy beach along some portions of the shoreline, while other portions of the bluff have only rocks or ocean below.

Policy 3.4-1 of the Coastal Element of the General Plan states:

The County shall review all applications for Coastal Development permits to determine threats from and impacts on geologic hazards arising from seismic events, tsunami runup, landslides, beach erosion, expansive soils and subsidence and shall require appropriate mitigation measures to minimize such threats. In areas of known or potential geologic hazards, such as shoreline and bluff top lots and areas delineated on the hazards maps the County shall require a geologic investigation and report, prior to development, to be prepared by a licensed engineering geologist or registered civil engineer with expertise in soils analysis to determine if mitigation measures could stabilize the site. Where mitigation measures are determined to be necessary, by the geologist, or registered civil engineer the County shall require that the foundation construction and earthwork be supervised and certified by a licensed engineering geologist, or a registered civil engineer with soil analysis expertise to ensure that the mitigation measures are properly incorporated into the development.

Policy 3.4-7 of the Coastal Element of the General Plan states:

The County shall require that new structures be set back a sufficient distance from the edges of bluffs to ensure their safety from bluff erosion and cliff retreat during their economic life spans (75 years). Setbacks shall be of sufficient distance to eliminate the need for shoreline protective works. Adequate setback distances will be determined from information derived from the required geologic investigation and from the following setback formula:

$$\text{Setback (meters)} = \text{Structure life (years)} \times \text{Retreat rate (meters/year)}$$

The retreat rate shall be determined from historical observation (e.g., aerial photographs) and/or from a complete geotechnical investigation.

All grading specifications and techniques will follow the recommendations cited in the Uniform Building Code or the engineering geologists report

Policy 3.4-10 of the Coastal Element of the General Plan states:

No development shall be permitted on the bluff face because of the fragility of this environment and the potential for resultant increase in bluff and beach erosion due to poorly-sited development. However, where they would substantially further the public welfare, developments such as staircase accessways to beaches or pipelines to serve coastal-dependent industry may be allowed as conditional uses, following a full environmental, geologic and engineering review and upon the determinations that no feasible less environmentally damaging alternative is available and that feasible mitigation measures have been provided to minimize all adverse environmental effects.

The applicant employed BACE Geotechnical, a division of Brunsing Associates, Inc., to conduct a geotechnical investigation of the site. The results of the investigation are presented in a report dated February 27, 2003. The report states that aerial photos indicate a bluff retreat rate of 9.5 inches per year between 1964 and 2000. Based on their experience, other studies in the area, and geologic features at the site, BACE estimates the average retreat rate to be 6 to 8 inches per year. The report concludes that the site is "...marginally suitable for the planned stairs/boat ramp," and contains recommendations for design and construction of a structure that BACE believes will have a 75-year useful lifespan. The BACE report also contains recommendations for erosion control. Condition Number 3 is recommended to require that the stair and boat chute be designed and constructed in conformance with the recommendations in the BACE geotechnical report.

In conjunction with new structures proposed on or near an ocean bluff, it is standard practice for the Coastal Commission and the County to require recordation of a deed restriction that prohibits the construction of seawalls or other protective structures to protect new development, and to require that any structures threatened by bluff retreat be removed from the property. The deed restriction also requires that the landowner agree to remove the remains of any structure that may fall onto the beach as a result of bluff erosion or collapse. It is anticipated that the Coastal Commission will continue to apply this deed restriction for any blufftop development. In keeping with the County's and the Commission's standard practice, Condition Number 4 is recommended to require that a deed restriction be recorded.

Air (Items 2A, 2B, and 2C – Air Quality): The project will produce no air emissions or odors and will have no impact on air quality.

Water (Items 3A through 3I): No consumption or disposal of water is proposed by the project. No watercourses will be altered. The site is not designated as a tsunami hazard zone. The site is not subject to flooding.

Plant Life (Items 4A through 4D – Environmentally Sensitive Habitat Areas): The project includes the construction of a stairway down a coastal bluff, construction of a bridge across a drainage course, and construction of a parking space within 100 feet of a wetland. Coastal bluffs may provide habitat for rare or endangered plant species, which are afforded protection by policies in the Coastal Plan. Riparian corridors along drainage courses and wetlands are also environmentally sensitive habitat areas and are subject to protection. The Coastal Plan and Zoning Code call for the establishment of buffers around environmentally sensitive habitat areas, and establish specific criteria for development to be constructed within a buffer or within the environmentally sensitive habitat area itself.

A Botanical Field Survey dated August 1, 2001, was prepared for the site by Teresa Sholars. Ms. Sholars found the site to contain four plant communities: Coastal Strand, North Coast Bluff Scrub, Coastal Prairie, and Riparian/Wet Meadow/Seeps. The Coastal Strand is primarily the beach, with highly specialized plants adapted to the harsh salt environment. The North Coast Bluff Scrub community is predominantly confined to the bluff face and top of the bluff. Coastal Prairie occupies the major portion of the terrace between the bluff and Highway 1, and is dominated by non-native species. A riparian community exists along the drainage course that bisects the parcel, and a small seep and wetland exists at the north end of the property. The report states that only one species of special concern was found, the Mendocino coast paint brush, *Castilleja mendocinensis*, located on the bluff face on the small peninsula located midway along the property shoreline. The report recommends that trails be located where people are most likely to want to walk, to avoid the creation of unplanned trails, and that trails avoid wet areas. It is also recommended that a program for removal of non-native exotic plant species be established and followed.

The Mendocino coast paintbrush plants found on the site were located on a steep bluff face on a small peninsula that is to be closed to public access for public safety reasons. The location is approximately 250 feet from the site of the proposed stairway, and will not be affected by any of the proposed development. No rare or endangered plants, riparian vegetation or wetland are located on the bluff in the vicinity of the proposed stairway, consequently, no mitigation is required.

Because the Sholars survey found a riparian corridor and a seep and wet meadow area on the parcel, the applicant was requested to have the site evaluated by a wetland scientist to determine whether wetlands, as defined in the County Coastal Plan, existed on the site, and if so, to submit a wetland delineation report. The site was surveyed by William Maslach in May, 2004, and a wetland delineation was submitted in June. Mr. Maslach found that an area of less than 0.1 acre in the northeast corner of the property near Omega Drive met the definition of a wetland. The report states that the wetland is a result of street and highway runoff that flows westerly in a roadside ditch along the south side of Omega Drive and out into the applicant's parcel. The report states that the quality of the wetland is fair to poor, based on the unnatural drainage pattern, and that it is dependent on the configuration of the roadside ditch.

The Maslach report also confirmed the presence of a riparian corridor along the drainage bisecting the property. The report states that the footbridge abutments will be outside the drainage channel and will have no impact on the functional capacity of the riparian habitat. The bridge will be constructed at the location of an existing trail where hikers walk through the drainage, and the bridge will eliminate the foot traffic within the drainage course.

Policy 3.1-2 of the Mendocino County Coastal Element states, in applicable part:

Development proposals in environmentally sensitive habitat areas such as wetlands, riparian zones on streams or sensitive plant or wildlife habitats (all exclusive of buffer zones) including, but not limited to those shown on the Land Use Maps, shall be subject to special review to determine the current extent of the sensitive resource.

Policy 3.1-7 of the Mendocino County Coastal Element states, in applicable part:

A buffer area shall be established adjacent to all environmentally sensitive habitat areas. The purpose of this buffer area shall be to provide for a sufficient area to protect the environmentally sensitive habitat from significant degradation resulting from future developments. The width of the buffer area shall be a minimum of 100 feet, unless an applicant can demonstrate, after consultation and agreement with the California Department of Fish and Game, and County Planning Staff, that 100 feet is not necessary to protect the resources of that particular habitat area and the adjacent upland transitional habitat function of the buffer from possible significant disruption caused by the proposed development. The buffer area shall be measured from the

outside edge of the environmentally sensitive habitat areas and shall not be less than 50 feet in width.

Policy 3.1-10 of the Mendocino County Coastal Element states, in applicable part:

Areas where riparian vegetation exists, such as riparian corridors, are environmentally sensitive habitat areas and development within such areas shall be limited to only those uses, which are dependent on the riparian resources. All such areas shall be protected against any significant disruption of habitat values by requiring mitigation for those uses, which are permitted. No structure or development, including dredging, filling, vegetation removal and grading, which could degrade the riparian area or diminish its value as a natural resource shall be permitted in the Riparian Corridor except for:

Pipelines, utility lines and road crossings, when no less environmentally damaging alternative route is feasible.

Policy 3.1-8 and 3.1-11 of the Mendocino County Coastal Element require that the Coastal Zoning Code contain standards and mitigation measures applicable to development that may impact wetlands, wetland buffers, and riparian corridors.

Section 20.496.020 (A) (4) of the Coastal Zoning Code, sets forth minimum standards for development within buffer areas adjacent to environmentally sensitive habitat areas.

- a) *Development shall be compatible with the continuance of the adjacent habitat area by maintaining the functional capacity, their ability to be self-sustaining and maintain natural species diversity.*
- b) *Structures will be allowed within the buffer area only if there is no other feasible site available on the parcel.*
- c) *Development shall be sited and designed to prevent impacts, which would degrade adjacent habitat areas. The determination of the best site shall include consideration of drainage, access, soil type, vegetation, hydrological characteristics, elevation, topography, and distance from natural stream channels. The term "best site" shall be defined as the site having the least impact on the maintenance of the biological and physical integrity of the buffer strip or critical habitat protection area and on the maintenance of the hydrologic capacity of these areas to pass a one hundred (100) year flood without increased damage to the coastal zone natural environment or human systems.*
- d) *Development shall be compatible with the continuance of such habitat areas by maintaining their functional capacity and their ability to be self-sustaining and to maintain natural species diversity.*
- e) *Structures will be allowed within the buffer area only if there is no other feasible site available on the parcel. Mitigation measures, such as planting riparian vegetation, shall be required to replace the protective values of the buffer area on the parcel, at a minimum ratio of 1:1, which are lost as a result of development under this solution.*
- f) *Development shall minimize the following: impervious surfaces, removal of vegetation, amount of bare soil, noise, dust, artificial light, nutrient runoff, air pollution, and human intrusion into the wetland and minimize alteration of natural land forms.*

In order to mitigate potential impacts to the wetland, the applicant has modified the design of the ADA-compliant parking space along the Omega Drive frontage. The space will be moved west, as close to the sewage pump station as feasible, to provide as much buffer area as possible between the parking space and the wetland, approximately 12 feet between the wetland and the corner of the parking area. Rose bushes would be removed from the area adjacent to the pump station. A split rail fence is proposed to be constructed from the northeast corner of the applicant's property at Omega Drive, westerly along the Omega Drive property line to the parking space, and then southerly along the easterly side of the parking space. The fence would discourage people from walking through the wetland area. The revised design was reviewed by the County Department of Transportation and found to be acceptable.

The Maslach report includes an analysis of the project's compliance with the development criteria set forth in Chapter 20.496 of the Coastal Zoning Code. The analysis, entitled "Table 3 Development Criteria Matrix Based on the Mendocino County Local Coastal Program Section 20.496.020" is attached as "Attachment A."

The following mitigation measures were recommended by Mr. Maslach in the wetland delineation for avoidance of impacts to and enhancement of the wetland:

1. An aesthetically pleasing fence, such as a split rail fence, will be installed on the eastern side of the parking stall that borders the wetland buffer and also along the property line along Omega Drive. This will help prevent people from walking into the area and creating new trails. Currently, people do not pass through the area, and it is not expected that people would enter the wetland.
2. The removal of exotic vegetation will add to the diversity of native plants currently growing in the wetland. Calla-lily and non-native thistles are targeted exotic species for removal.
3. The buffer between the parking stall and the wetland can be enhanced by planting native vegetation. Blue-eyed-grass and pacific common rush are easy to transplant and would be appropriate for planting in the wetter areas of the buffer; California oatgrass and coastal lotus are appropriate for the drier areas. Presently the buffer is mostly comprised of exotic plants.
4. Although the topography is relatively flat, the trail and parking stall will be designed so that natural water runoff will drain away from the wetland and follow the natural topographic contour.

The following mitigation measures were recommended by Mr. Maslach to mitigate potential impacts to the riparian corridor along the drainage course bisecting the property that may result from construction of the trails and footbridge:

1. Work will be done during dry months (May 1 through September 30) to ensure that excessive erosion does not occur on the stream banks.
2. All excavated materials to be pulled back from the stream channel and temporary silt fencing will be installed.
3. To enhance the native riparian vegetation, exotic vegetation from the creek and banks will be removed to promote the growth of native vegetation. This will be done during spring and summer months when work is done on the creek bank. Some of the exotic vegetation is not on the bank and can be removed at various times during the year.

4. Native plants such as sword fern will be planted around the bridge sills to reduce erosion of the banks and soil around the footings after construction.

Additional mitigation measures are specified in Table 3 Development Criteria Matrix attached to the Maslach Wetland Survey and are recommended to be incorporated into the project. All of the recommended mitigation measures have been accepted as elements of the project by the applicant and Condition Number 5 is recommended to require that they be implemented in the construction and maintenance of the project.

Because portions of the proposed development are within 100 feet of environmentally sensitive habitat areas, consultation with the Department of Fish and Game is required. Tracie Hughes, Environmental Scientist for the Department of Fish and Game, reviewed the project and commented that the reduced buffer around the ADA parking space was acceptable as long as the recommendations contained in the Maslach wetland delineation were followed, and that a streambed alteration agreement may be required for the proposed footbridge. Condition Number 6 is recommended to require that the applicant obtain either a streambed alteration agreement from the Department of Fish and Game, or a determination that no agreement is required, and provide a copy to the Department of Planning and Building Services prior to issuance of the coastal development permit.

The ADA parking space, the footbridge, and portions of the trails are within the 100-foot buffer normally required by County Code adjacent to environmentally sensitive habitat areas. To achieve the greatest degree of compliance with the requirements for buffers around environmentally sensitive habitat areas, Condition Number 7 is recommended.

Neither the proposed parking space nor the split rail fence will encroach into the wetland. Although only a 12 foot buffer will exist between the corner of the parking area and the perimeter of the wetland, the parking space will be down slope from the wetland, which will reduce the potential for any impact from runoff. The trail from the parking area to the overlook leads away from the wetland. The bridge over the drainage swale will span the riparian corridor along the drainage. Construction of the bridge may cause some impact to adjacent riparian vegetation, however, the mitigation measures proposed in the wetland delineation for revegetation of disturbed areas with native vegetation will ensure replacement of any damaged vegetation. Overall, the elimination of the existing trail through the drainage swale will have a positive impact. Where possible a 100 foot buffer from environmentally sensitive habitat areas will be maintained. For these reasons, staff believes the project is consistent with the requirements of Section 20.420.020 of the Coastal Zoning Code.

Animal Life (Items 5A, 5B, and 5C – Diversity): The project will not impact the diversity of wildlife species inhabiting the site. No rare or endangered animal species are known on the site. No new species of animals will be introduced.

Animal Life (Item 5D – Habitat): A small amount of natural habitat will be lost as a result of the proposed project. Existing grassland will be replaced by impermeable surfacing at the proposed ADA accessible parking space, and along the trail to the overlook platform. The platform, bridge and stair, together with their structural supports, will cause some additional modification or loss of habitat. None of the area proposed for these developments provide unique or rare habitat. The total area affected is not significant when considered in relation to the entire nine acre parcel, which will be maintained in a predominantly natural state. Staff recommends that the Planning Commission find the project to be “de minimis” and therefore, exempt from the Department of Fish and Game filing fee. Condition Number 1 is recommended.

Noise (Items 6A and 6B): The only noise generated by the project will be that of construction activity, which will be of limited duration, and occasional maintenance. Noise impacts will not be significant.

Light and Glare (Item 7): No lighting is proposed as part of the project.

Land Use (Item 8): The Westport Village Society acquired the property with the objective of managing it for public use. The primary objective of the project is to improve public pedestrian access to the bluff top and shoreline, with provisions for public safety and protection of sensitive resources. Activities such as hiking, sight seeing, fishing, bird watching, whale watching, picnicking, boating, and photography are the kinds of uses anticipated on the site, and are encompassed within the Passive Recreation use type defined in the Coastal Zoning Code (Section 20.340.015). Passive Recreation is listed among the Principal Permitted Uses allowed in a Rural Village zone (Section 20.388.010(C), and in most cases, only a coastal development permit would be required for such a project. However, because the project includes a stairway down the bluff face to the beach, a coastal development use permit is required (Section 20.500.020(B)(4)).

Natural Resources (Item 9): The site is not a source of natural resources, and the project will not consume any significant quantities of natural resources.

Population (Item 10): The facility will provide no local jobs or have any other attribute that would affect population distribution.

Housing (Item 11): The project will neither provide additional housing nor generate demand for additional housing.

Transportation/Circulation (Item 12B – Parking): Only one parking space is proposed as part of the project, that being the ADA compliant space on the Omega Drive frontage. There is parking space available along the applicant's Highway 1 frontage for about 15 vehicles. Additional space is available along the east side of Highway 1 and along the local streets within Westport. It is not anticipated that the project will generate significant demand for parking, except possibly during occasional special events, for which special parking arrangements may need to be made. The benefits of maintaining the site in its undeveloped natural state are anticipated to outweigh the disadvantages resulting from a lack of on-site parking. A permanent surfaced on-site parking area would detract from the scenic values of the site on a full-time basis, while the need for more parking than is available along the Highway and town streets is anticipated to be very infrequent. If the need for additional on-site parking becomes more critical in the future, it could always be developed.

Transportation/Circulation (Item 12C – Roads): As part of the project, two existing encroachments onto Highway 1 will be improved, and a new encroachment onto Omega Drive will be constructed. The plans initially proposed four parking spaces within the Omega Drive road corridor, however, based on comments from the Mendocino County Department of Transportation (DOT), the plans were revised to provide only the ADA parking space on site. After review of the revised plan, DOT submitted the following comment:

The revised site plan reduces the number of parking spaces along Omega Drive from three standard spaces and one handicap space, to only one handicap space. The parking space has been moved to the east end of the property frontage, away from the blind curve in Omega Drive. This location provides improved sight distance for vehicles entering and exiting the parking space. In addition, the parking space itself has been located completely within the property. Since the parking is outside of the County road right-of-way, and sight distance concerns have been addressed, we believe that the angle parking provisions of the County Code cited in our previous memorandum are not applicable, and approval by the Board of Supervisors will not be necessary.

DOT recommended that a standard driveway approach be constructed onto Omega Drive. Condition Number 8 is included to satisfy DOT's recommendation.

Subsequent to the above comments from DOT, it was found that the parking space was located within a wetland (as discussed above), and the parking space was moved westerly to avoid the wetland. Ben Kageyama of the Department of Transportation met with the applicant at the site to consider the change, and submitted the following comment:

Based on the wetland delineation on the subject property as received from the applicant, the previously accepted handicap parking space needed to be relocated out of the designated wetland area. We have met with the applicant at the project site and have determined that the parking may be moved westerly, as close to the sewer pump station as possible. This should allow for adequate sight distance for vehicles entering and exiting Omega Drive. Since our previously recommended condition of approval does not specify the driveway approach location, no modification of the recommended condition will be necessary. A revised site plan (copy attached) has been provided by the applicant in accordance with our latest discussions. Then precise location of the driveway approach will be verified at the time of encroachment permit application.

No comment was received from Caltrans. Nevertheless, Condition Number 9 is recommended to require that any work proposed within the State Highway 1 right-of-way be completed in accordance with encroachment procedures administered by Caltrans.

Public Services (Item 13 – Fire Protection): The property is in an area with a moderate fire hazard severity rating as determined by the California Department of Forestry and Fire Prevention, and is in a State Responsibility Area for fire safety review. CDF has determined that the project is exempt from CDF fire safe regulations (#CDF 393-03, July 25, 2003). No response was received from the Westport Fire Department.

Energy (Item 14): There will be no significant consumption of energy as a result of the proposed project. No lighting is proposed. The only energy use will occur during construction and maintenance.

Utilities (Item 15): The proposed facility will neither consume water nor generate sewage. No restrooms are proposed.

Human Health (Item 16): Inevitably, a project designed to provide public access to the bluff top and shoreline entails an unknown increase in exposure of the public to risk. Access to the blufftop poses the risk that visitors may get too close and fall over the edge. Access to the shoreline exposes people to the risk of being struck by waves and possibly being washed into the ocean.

Section 20.528.015 of the Coastal Zoning Code states in part:

All accessways shall be designed and constructed to safety standards adequate for their intended use. Barriers shall be constructed by the managing agency where necessary. ...

The management plan and preliminary drawings prepared for the project indicate that public safety has been taken into account in the design of the project. Some existing trails are to be abandoned or blocked to reduce exposure of the public to safety hazards. Paths along the bluff edge are to be set back a safe distance. A number of signs are proposed to warn visitors of hazardous conditions. In staff's opinion, a reasonable balance between public access to the coast and public safety will be incorporated in the design and operation of the project.

Aesthetics (Item 17 – Views and Appearance): Land zoned Rural Village (RV) in the community of Westport is excluded from the highly scenic areas designated on the Coastal Plan Maps. Nevertheless, Policy 3.5-2 of the Coastal Plan states that coastal communities, including Westport, "... shall have special [visual resource] protection to the extent that new development shall remain within the scope and character of existing development by meeting the standards of implementing

ordinances.” Section 20.504.020(B) of the Coastal Zoning Code applies the development criteria listed in Section 20.504.020(C), which requires that:

- 1) *The scale of new development (building height and bulk) shall be within the scope and character of existing development in the surrounding neighborhood.*
- 2) *New development shall be sited such that public coastal views are protected.*
- 3) *The location and scale of a proposed structure will not have an adverse effect on nearby historic structures greater than an alternative design providing the same floor area. Historic structure, as used in this subsection, means any structure where the construction date has been identified, its history has been substantiated, and only minor alterations have been made in character with the original architecture.*
- 4) *Building materials and exterior colors shall be compatible with those of existing structures.*

No buildings are proposed as part of the project. Proposed structures are the stairway to the beach, the bridge, the overlook platform, and the accessible parking area. Trails, being at ground level with grass or other natural surfaces, will have little visual impact. The proposed structures are to be built primarily of redwood, which will weather to dark natural colors that will blend with the vegetation on the site. The structures are designed for pedestrian and wheelchair use, and are not excessively large or out of scale with the site.

Several signs are proposed to be placed along Highway 1 and Omega Drive. A 2 foot by 4 foot entry sign is proposed at each of the three entries, two along Highway 1 and one on Omega Drive. A note on the site plan states that the signs are to be mounted on five foot tall redwood 4 by 4 posts. In the Management Plan (Page 12) the description of the entry signs states that the signs will be mounted at a 45 degree angle to minimize the height of the signs. The lower design would be less likely to block views toward to ocean from Highway 1, and would be more consistent with Coastal Plan policies protecting visual resources. Additional smaller signs are also proposed at the entries. “No parking” signs are proposed at the two Highway 1 entries. A “controlled access” sign is proposed at the south Highway 1 gate. An ADA access sign and a “no overnight parking” sign are proposed at the Omega Street entrance. Signs warning of unstable cliffs and closed trails are proposed along the bluff.

Signs are regulated by Chapter 20.476 of the Coastal Zoning Code. Some of the proposed signs are exempt from the regulations of Chapter 20.476: “No parking” signs less than four square feet each, and signs required by State or Federal law (ADA parking signs) are not regulated by the Sign chapter. Other signs are regulated. Section 20.476.025 calls for signs to be made of wood where feasible, requires that signs not block public views of the ocean, and limits the total sign area to 40 square feet. Signs are also required to conform to all setback requirements (60 feet from the centerline of Highway 1 and 45 feet from the centerline of Omega Drive). Condition Number 10 is recommended for the design and location of signs in conformance with Coastal Zoning Code requirements.

Recreation (Item 18): Maximum public access to the coast is one of the goals stated in the Coastal Act. Numerous policies in Chapter 3.6 of the County’s Coastal Plan and the provisions of Chapter 20.528 of the Coastal Zoning Code also promote development of public access to the shoreline. As a condition of approval of Coastal Development Subdivision #CDS 5-91, offers of dedication were required for public access. Now, under the WVS ownership of the site, the primary use of the parcel will be for public access. The project proposed by the WVS is consistent with public access policies.

Cultural Resources (Item 19): The parcel is located on a bluff overlooking the ocean, with possible access to the shoreline and beach. Archaeological sites have been recorded in similar environmental settings. An archaeological survey of the property was prepared in 1991 by Jay M. Flaherty in

conjunction with #CDS 5-91. No archaeological resources were discovered, but historic debris was noted throughout the parcel. In conjunction with the WVS project development, a second survey was conducted in 2000 by Thad Van Bueren, MA. The Van Bueren survey confirmed Flaherty's finding that there is no apparent evidence of prehistoric occupation or use of the property. Van Bueren also found historic period resources and recommends that they be protected from disturbance. The Van Bueren survey was reviewed and accepted by the County Archaeological Commission on December 10, 2003, with the provision that Van Bueren's recommendations for protection of cultural resources be followed. Condition Number 11 is recommended to require protection of cultural resources.

A small shed is proposed to be removed from the property. Staff requested of Mr. Van Bueren whether the shed had any historical value. Mr. Van Bueren responded by letter dated March 6, 2004, that the shed was built in the 1980s and was not a historical resource.

ENVIRONMENTAL RECOMMENDATION:

No significant environmental impacts are anticipated which cannot be adequately mitigated, therefore, a Negative Declaration is recommended.

GENERAL PLAN CONSISTENCY RECOMMENDATION: The proposed project is consistent with applicable goals and policies of the General Plan.

RECOMMENDED MOTION:

General Plan Consistency Finding: As discussed under preceding sections of the staff report, the proposed project is consistent with applicable goals and policies of the General Plan as subject to the conditions being recommended by staff.

Environmental Findings: The Planning Commission finds that no significant environmental impacts would result from the proposed project, which can not be adequately mitigated through the conditions of approval, therefore, a Negative Declaration is adopted.

Department of Fish and Game Findings: The Planning Commission has evaluated the Initial Study and other information pertinent to the potential environmental impacts of this project and finds that, based upon the existing and proposed development on the subject parcel, the project will not have any adverse impact upon wildlife or the habitat upon which wildlife depends and, therefore, the Commission has rebutted the presumption set forth in subdivision (d) of Section 753.5.

Coastal Development Permit Findings: The Planning Commission finds that the application and supporting documents and exhibits contain information and conditions sufficient to establish, as required by Section 20.532.095 of the Coastal Zoning Code, that:

1. The proposed development is in conformity with the certified local coastal program; and
2. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities; and
3. The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of the Coastal Zoning Code, and preserves the integrity of the zoning district; and
4. The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

5. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.
6. Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development.
7. The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan.
8. Environmentally Sensitive Habitat Areas.
 - (a) The resource as identified will not be significantly degraded by the proposed development.
 - (b) There is no feasible less environmentally damaging alternative.
 - (c) All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.

Project Findings: The Planning Commission making the above findings, approves #CDU 22-2003 subject to the conditions of approval recommended by staff.

RECOMMENDED CONDITIONS:

1. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Game filing fees required or authorized by Section 711.4 if the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$25.00 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to November 19, 2004. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void.
2. This permit shall become effective after all applicable appeal periods have expired, or appeal processes have been exhausted, and after any fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Department of Planning and Building Services. Failure of the applicant to make use of this permit within 2 years or failure to comply with payment of any fees within specified time periods shall result in the automatic expiration of this permit.
- ** 3. The stair and boat chute shall be designed and constructed in accordance with the recommendations contained in the geotechnical report dated February 27, 2003, prepared by BACE Geotechnical.
- ** 4. Prior to the issuance of the Coastal Development Permit, the landowner, Westport Village Society, Inc., shall execute and record a deed restriction, in a form and content acceptable to the Coastal Permit Administrator, which shall provide as follows:

- a. The landowner understands that the site may be subject to extraordinary geologic and erosion hazard and the landowner assumes the risk from such hazards.
 - b. The landowner agrees to indemnify and hold harmless the County of Mendocino, its successors in interest, advisors, officers, agents and employees against any and all claims, demands, damages, costs, and expenses of liability (including without limitation attorneys' fees and costs of the suit) arising out of the design, construction, operation, maintenance, existence or failure of the permitted project, including, without limitation, all claims made by any individual or entity or arising out of any work performed in connection with the permitted project.
 - c. The landowner agrees that any adverse impacts to the property caused by the permitted project shall be fully the responsibility of the applicant.
 - d. The landowner shall not construct any bluff or shoreline protective devices to protect the improvements in the event that these structures are subject to damage, or other erosional hazards in the future.
 - e. The landowner shall remove the trail and associated developments when bluff retreat reaches the point at which the structure is threatened. In the event that improvements associated with the trail fall to the beach before they can be removed from the blufftop, the landowner shall remove all recoverable debris associated with these structures from the beach and ocean and lawfully dispose of the material in an approved disposal site. The landowner shall bear all costs associated with the removal.
 - f. The document shall run with the land, bind all successors and assignees, and shall be recorded free of all prior liens and encumbrances, except for tax liens.
- ** 5. Construction and operation of the project shall incorporate all of the recommended mitigation measures contained in Wetland Survey dated June 2004 prepared by William Maslach, including those specified in Table 3 Development Criteria Matrix attached to the Wetland Survey.
- ** 6. Prior to the issuance of the Coastal Development Permit, the applicant shall obtain either a streambed alteration agreement for construction of the footbridge from the Department of Fish and Game, or a determination from Department of Fish and Game that no agreement is required, and shall provide a copy to the Department of Planning and Building Services.
- ** 7. With the exception of equipment necessary for construction of the proposed improvements, and the use of the ADA parking space, vehicles and heavy equipment shall not be operated on the parcel within 100 feet of the wetland or the outer limit of the riparian corridor along the drainage bisecting the property. Removal of exotic plant species and reestablishment of native species shall be done by hand, with the objective of minimum adverse impact within the buffer.
- ** 8. In conformance with encroachment permit procedures administered by the Mendocino County Department of Transportation, the applicant shall construct and maintain a standard private driveway approach onto Omega Drive (CR# 428E) having a minimum width of 27 feet, improved 15 feet back from the edge of the County road, surfaced with surfacing comparable to that on the County road.

- ** 9. Any work within the Highway 1 right of way shall be completed in accordance with encroachment procedures administered by California Department of Transportation.
- ** 10. Signs shall be constructed of wood if feasible. Structural supports for the signs shall be a dark, non-reflective, unobtrusive color. Entry signs shall be designed and located to avoid blocking public views of the ocean. Signs along Highway 1 and Omega Drive shall conform with setback requirements.
- ** 11. The recommendations for protection of cultural resources described in the Archaeological Survey prepared by Thad Van Bueren, MA, dated December 2, 2000, shall be incorporated into the development of the site. In the event that archaeological resources are encountered during construction of the project, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.
- ** 12. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Title 20 of the Mendocino County Code unless modified by conditions of the use permit.
- ** 13. The application along with supplemental exhibits and related material shall be considered elements of this entitlement and compliance therewith shall be mandatory, unless a modification has been approved by the Planning Commission.
- ** 14. This permit is subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
15. This permit shall be subject to revocation or modification by the Planning Commission upon a finding of any one or more of the following grounds:
- a. The permit was obtained or extended by fraud.
 - b. One or more of the conditions upon which the permit was granted has been violated.
 - c. The use for which the permit was granted is conducted in a manner detrimental to the public health, welfare or safety, or is a nuisance.
 - d. A final judgment of a court of competent jurisdiction has declared one or more of the conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more of the conditions.
- Any revocation shall proceed as specified in Title 20 of the Mendocino County Code.
16. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit boundaries are different than that which is legally required by this permit, this permit shall become null and void.

 DATE

 CHARLES N. HUDSON
SENIOR PLANNER

CNH:sb
9/29/04

Negative Declaration

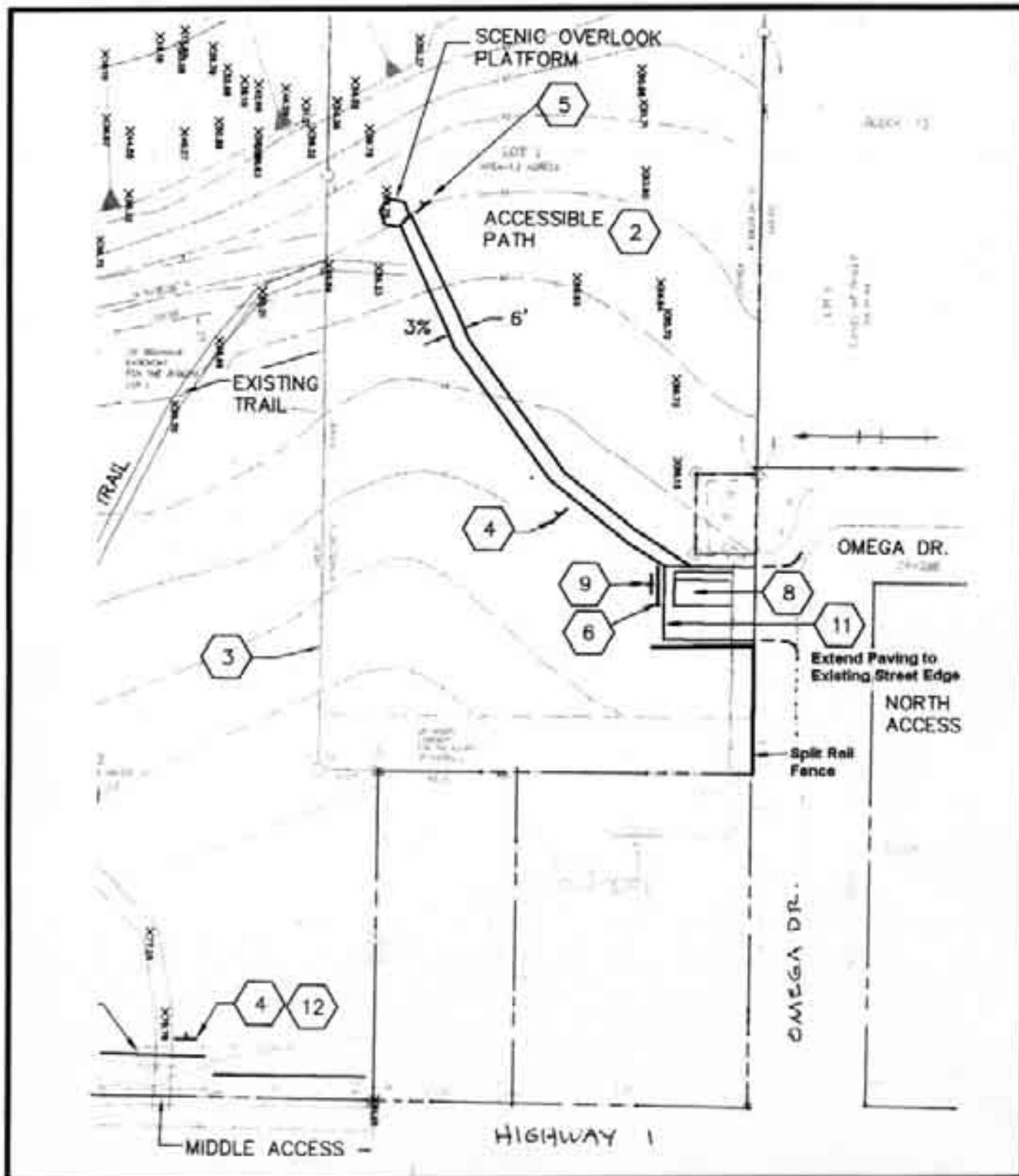
Appeal Period: Ten calendar days for the Mendocino County Board of Supervisors, followed by ten working days for the California Coastal Commission following the Commission's receipt of the Notice of Final Action from the County.

Appeal Fee: \$750.00 (For an appeal to the Mendocino County Board of Supervisors.)

** Indicates conditions relating to Environmental Considerations - deletion of these conditions may effect the issuance of a Negative Declaration.

SUMMARY OF COMMENTS:

Planning – FB	Expand request to include boat chute, signs, log barrier & gates.
Department of Transportation	SSU? May need to be reviewed by DF&G. Is farm shed historic? Consider alternatives to angle parking. Revised plan with only 1 ADA space is OK. Provide standard driveway approach off Omega Dr.
Environmental Health – Fort Bragg	No response.
Building Inspection – Fort Bragg	No comment.
Assessor	No comment.
Archaeological Commission	Survey accepted subject to survey recommendations.
Native Plant Society	No response.
Caltrans	No response.
DF&G	Reduced buffer ok, streambed alteration agreement may be required.
Coastal Commission	No response.
RWQCB	No response.
U. S. Fish & Wildlife Service	No response.
Soil Conservation Service	No response.
Westport Water District	No response.
Westport Fire Department	No response.
CDF	CDF 393-03—project is exempt.



CASE NO: CDU 22-03

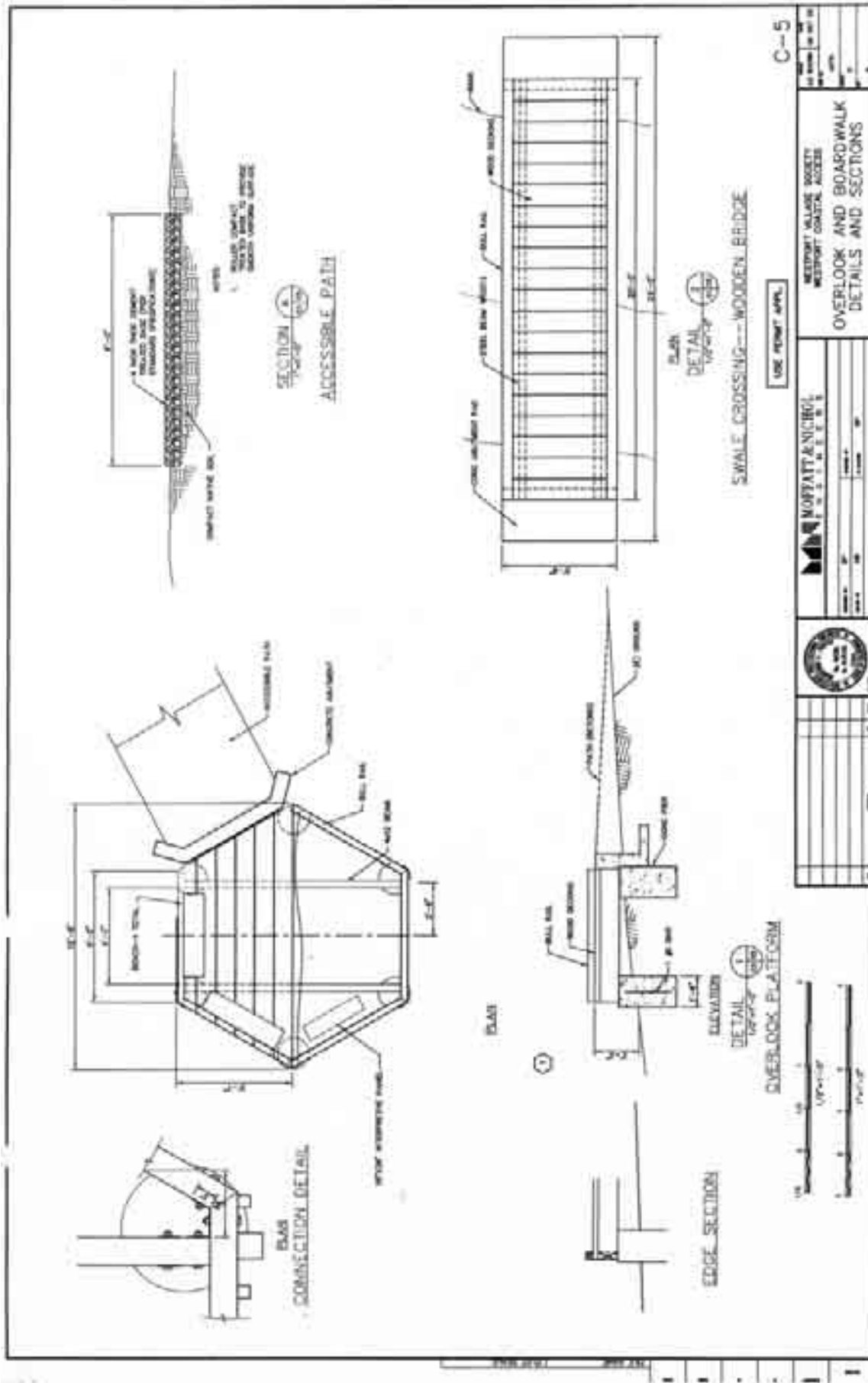
WESTPORT VILLAGE SOCIETY

Revised Parking Plan

SCALE: APPROXIMATELY 1" = 90'



NORTH

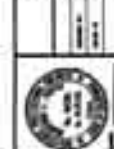


C-5

DATE	10/10/2023
BY	PC-21
CHECKED	
DATE	

OVERLOOK AND BOARDWALK
DETAILS AND SECTIONS

PROJECT	WESTPORT VALMSE SOCIETY WESTPORT COASTAL ACCESS
DATE	10/10/2023
BY	PC-21
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DATE	



NO.	1
DATE	10/10/2023
BY	PC-21
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DATE	

NO.	2
DATE	10/10/2023
BY	PC-21
CHECKED	
DATE	

NO.	3
DATE	10/10/2023
BY	PC-21
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NO.	4
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Table 3 Development Criteria Matrix Based on the Mendocino County Local Coastal Program Section 20.496.020

Sec. 20.496.020 ESHA – Development Criteria	
<p>(A) Buffer Areas. A buffer area shall be established adjacent to all environmentally sensitive habitat areas. The purpose of this buffer area shall be to provide for a sufficient area to protect the environmentally sensitive habitat from degradation resulting from future developments and shall be compatible with the continuance of such habitat areas.</p>	<p>VEHICLE PARKING: A buffer will be maintained around the ESHA, however, to provide sufficient protection for the ESHA with a 12' to 20-foot buffer, a split rail fence will be installed at the western edge of the parking stall and along Omega Dr.</p> <p>BRIDGE: The bridge is within the buffer but the purpose is to stop people from walking through the creek and potentially impacting the stream bank and water quality.</p>
<p>(1) Widths. The width of the buffer area shall be a minimum of one hundred (100) feet, unless an applicant can demonstrate, after consultation and agreement with the California Department of Fish and Game, and County Planning staff, that one hundred (100) feet is not necessary to protect the resources of that particular habitat area from possible significant disruption caused by the proposed development. The buffer area shall be measured from the outside edge of the Environmentally Sensitive Habitat Areas and shall not be less than fifty (50) feet in width. New land division shall not be allowed which will create new parcels entirely within a buffer area. Developments permitted within a buffer area shall generally be the same as those uses permitted in the adjacent Environmentally Sensitive Habitat Area.</p> <p>Standards for determining the appropriate width of the buffer area are as follows:</p>	<p>VEHICLE PARKING: A 12-foot minimum and 20-foot maximum buffer adjacent to the ESHA (wetland) is proposed with mitigations. The California Department of Fish & Game and Mendocino County Planning may need to assess the reduction in buffer width.</p> <p>BRIDGE: A 1600 - Lake or Scrambled Alteration Application may be necessary for the installation of the bridge over the creek. The bridge would be installed outside the wet season and constructed on site so that abutment or footing excavation spoils would not enter the creek.</p>
<p>(1a) Biological Significance of Adjacent Lands. Lands adjacent to a wetland, stream, or riparian habitat area vary in the degree to which they are functionally related to these habitat areas. Functional relationships may exist if species associated with such areas spend a significant portion of their life cycle on adjacent lands. The degree of significance depends upon the habitat requirements of the species in the habitat area (e.g., nesting, feeding, breeding, or resting).</p> <p>Where a significant functional relationship exists, the land supporting this relationship shall also be considered to be part of the ESHA, and the buffer zone shall be measured from the edge of these lands and be sufficiently wide to protect these functional relationships. Where no significant functional relationships exist, the buffer shall be measured from the edge of the wetland, stream, or riparian habitat that is adjacent to the proposed development.</p>	<p>VEHICLE PARKING: The wetland originates from a drainage ditch at the southwest corner of Omega Dr. and Highway 1 where it receives runoff from the impervious road surface. There was no surface flow at the time of the survey, and it appears most of the flow is subsurface through saturated soils.</p> <p>The land inside the buffer is not wet, nor does it have hydric soils or hydrophytic vegetation. This is likely due to the fact that the wetland is created primarily by an unnatural condition (drainage ditch) and is more or less confined to a small area. That is, the area would be drier under natural conditions.</p> <p>No fish, amphibians, or aquatic arthropods were found, and the wetland does not support aquatic habitat for amphibian reproduction.</p> <p>Adjacent lands to the wetland are private residences to the north, coastal prairie vegetation part of the Study Area to the south and east, and a paved road to the north.</p> <p>BRIDGE: The bridge crosses a creek (an unnamed Class II watercourse) and is proposed to be built in an area that is surrounded by the Study Area on all sides. The bridge will replace an existing trail that passes through the creek. No buffer is recommended because the bridge is to be built to keep people out of the creek. The bridge will be out of the stream bank and not affect the channel or water quality. Mitigations are recommended for entering in to a riparian area.</p>

Sec. 20.496.020 ESHA -- Development Criteria.	
(1b) Sensitivity of Species to Disturbance. The width of the buffer zone shall be based, in part, on the distance necessary to ensure that the most sensitive species of plants and animals will not be disturbed significantly by the permitted development. Such a determination shall be based on the following after consultation with the Department of Fish and Game or others with similar expertise.	<p>VEHICLE PARKING: Currently, the area is not accessed by people and there is no visible disturbance to the wetland. Access to the Study Area from Omega Drive is approximately 40' west of the wetland. The wetland is an area where people would not naturally or easily access. A split rail fence is proposed for installation between the wetland and Omega Dr. and between the wetland and the parking stall to prevent people from potentially accessing the Study Area through the wetland.</p> <p>BRIDGE: The creek is presently disturbed by the affects of the foot traffic along the trail. The bridge over the creek will eliminate these adverse affects.</p>
(1b-i) Nesting, feeding, breeding, resting, or other habitat requirements of both resident and migratory fish and wildlife species.	<p>VEHICLE PARKING: The wetland does not support fish or fish habitat. Birds may forage in the wetland, but it is not a significant wetland (< 0.1 acre) for migrating birds. The wetland is poor breeding habitat for amphibians, but may provide resting or foraging habitat.</p> <p>BRIDGE: The creek does not support fish or fish habitat but it may support amphibians in some areas along the creek. The bridge will eliminate foot traffic from the creek where egg masses could be trampled. Bridge construction should take place when the seasonal flow has subsided to reduce the potential for disturbance of wildlife.</p>
(1b-ii) An assessment of the short-term and long-term adaptability of various species to human disturbance.	<p>VEHICLE PARKING: The construction of the parking stall will have no significant affect on wildlife species or wetland vegetation. Grading for the parking spur will be confined to the immediate area. Before construction, temporary fencing along the buffer boundary will be installed to eliminate entry into the buffer area. If human disturbance, such as a new trail, began and persisted in the wetland area, the soil would become compacted and species adapted to disturbance in mesic areas would become establish, likely in place of the oaks growing there now. Because current use near the wetland area, including the buffer, is between 10' and 25' of the wetland, no new disturbance is expected. Omega Dr. borders the wetland by several feet to the north and to the east is a private residence where mowing occurs. Although no human disturbance was observed in the wetland, a split rail fence will be installed to ensure people do not enter the area.</p> <p>BRIDGE: Amphibians that might be using the creek crossing area are not well-adapted to human disturbances. A disturbance event may include someone stepping off the creek crossing trail and stepping on an egg mass, or crossing the creek and increasing the levels of sediment. Other species like red-winged blackbirds and white-crowned sparrows, which were observed in the area, may use the vicinity for nesting habitat, but are likely adapted to the presence of humans because people currently use the trail.</p> <p>The bank is not steep (about 2' from channel to top of bank) and it is not likely sediment will slide into the channel. However, to minimize the short-term impacts to species, all excavated material will be placed on top of the bank.</p>

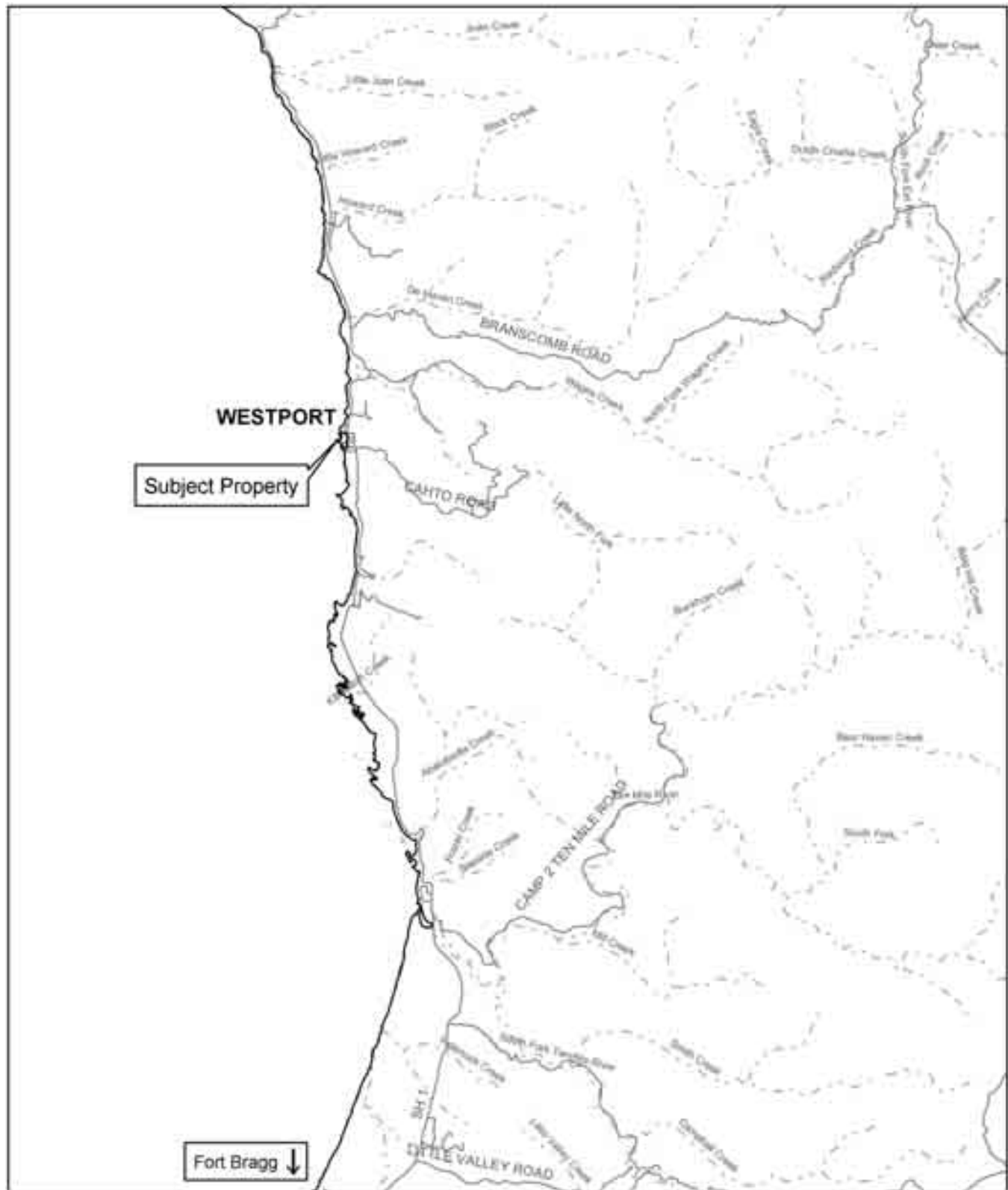
<p>See 20.406.020 ESHA -- Development Criteria.</p>	<p>(1b-iii) An assessment of the impact and activity levels of the proposed development on the resource.</p>	<p>VEHICLE PARKING: The installation of a hardened surface and visitor use of the area will be between 12 and 20' from the edge of the wetland. However, the proposed activity will have a low to negligible impact on the wetland. Although flat, surface flow off the parking stall would conform to the natural topography and flow away from the wetland. The quality of the wetland decreases as it approaches the proposed parking stall because the distance from the drainage ditch increases. The distance from the higher quality wetland to the proposed parking spur is 30' (Figure 1, Sample Area B). Activity levels are not expected to change because there is currently parking along the edge of the road where the parking spur is proposed.</p> <p>BRIDGE: Although the bridge piers would be placed above creek bank and the bridge deck would span the riparian area, the installation of a bridge over the creek would reduce impacts to the creek.</p>	<p>VEHICLE PARKING: The soils of the parking area are not susceptible to erosion given the flat topography of the area. To prevent soil from being moved closer to the wetland during construction, a small temporary fence will be installed around the work area and work will be at a time of year when the ground is sufficiently dry.</p> <p>BRIDGE: The current trail through the creek is a source for erosion. The placement of a bridge across the creek will correct this erosion potential. However, during construction the immediate site will be susceptible to erosion. All excavated material will be placed away from the creek and construction will be done at a time of year when the ground is sufficiently dry.</p>
	<p>(1c) Susceptibility of Parcel to Erosion. The width of the buffer zone shall be based, in part, on an assessment of the slope, soils, impervious surface coverage, runoff characteristics, and vegetative cover of the parcel and to what degree the development will change the potential for erosion. A sufficient buffer to allow for the interception of any additional material eroded as a result of the proposed development should be provided.</p>	<p>VEHICLE PARKING: There are no hills or bluff or other pronounced topographic features near the vehicle parking area. The site is relatively flat.</p> <p>BRIDGE: The surrounding topography is as above. The bridge is proposed to be placed in the same location as the existing trail.</p>	<p>VEHICLE PARKING: There are no hills or bluff or other pronounced topographic features near the vehicle parking area. The site is relatively flat.</p> <p>BRIDGE: The surrounding topography is as above. The bridge is proposed to be placed in the same location as the existing trail.</p>
	<p>(1d) Use of Natural Topographic Features to Locate Development. Hills and bluffs adjacent to ESHA's shall be used, where feasible, to buffer habitat areas. Where otherwise permitted, development should be located on the sides of hills away from ESHA's. Similarly, bluff faces should not be developed, but shall be included in the buffer zone.</p>	<p>VEHICLE PARKING: The proposed parking stall is located adjacent to a small water management facility and is contiguous with the paved surface of Omega Dr. A fence immediately borders it to the east and north.</p> <p>BRIDGE: There are no existing cultural features nearby the proposed bridge site. The riparian vegetation will likely screen the low-lying bridge from any views from Highway 1.</p>	<p>VEHICLE PARKING: The proposed parking stall is located adjacent to a small water management facility and is contiguous with the paved surface of Omega Dr. A fence immediately borders it to the east and north.</p> <p>BRIDGE: There are no existing cultural features nearby the proposed bridge site. The riparian vegetation will likely screen the low-lying bridge from any views from Highway 1.</p>
	<p>(1e) Use of Existing Cultural Features to Locate Buffer Zones. Cultural features (e.g., roads and dikes) shall be used, where feasible, to buffer habitat areas. Where feasible, development shall be located on the side of roads, dikes, irrigation canals, flood control channels, etc., away from the ESHA.</p>		

<p>See 20.496 (20) ESHA – Development Criteria.</p>	<p>(1f) Lot Configuration and Location of Existing Development. Where an existing subdivision or other development is largely built-out and the buildings are a uniform distance from a habitat area, at least that same distance shall be required as a buffer zone for any new development permitted. However, if that distance is less than one hundred (100) feet, additional mitigation measures (e.g., planting of native vegetation) shall be provided to ensure additional protection. Where development is proposed in an area that is largely undeveloped, the widest and most protective buffer zone feasible shall be required.</p>	<p>(1g) Type and Scale of Development Proposed. The type and scale of the proposed development will, to a large degree, determine the size of the buffer zone necessary to protect the ESHA. Such evaluations shall be made on a case-by-case basis depending upon the resources involved, the degree to which adjacent lands are already developed, and the type of development already existing in the area.</p>	<p>(2) Configuration. The buffer area shall be measured from the nearest outside edge of the ESHA (e.g., for a wetland from the landward edge of the wetland, for a stream from the landward edge of riparian vegetation or the top of the bluff).</p>	<p>(3) Land Division. New subdivisions or boundary line adjustments shall not be allowed which will create or provide for new parcels entirely within a buffer area.</p>	<p>(4) Permitted Development. Development permitted within the buffer area shall comply at a minimum with the following standards:</p>
	<p>VEHICLE PARKING: A paved road, Omega Dr., is approximately 10' from the wetland and there is an unsurfaced (and apparently seldom used) vehicle access approximately 6' from the eastern edge of the wetland. Mitigation measures for the proposed parking stall include enhancement of the wetland by exotic plant removal and planting native wetland plants and installing a split rail fence along the parking spur to increase protection for the wetland from human disturbance.</p> <p>BRIDGE: The proposed bridge must be built in the riparian area to ameliorate the existing impacts of walking through the creek. To improve the site, mitigation will include an on-going exotic plant removal plan and revegetation with native plants. Native plants will be planted around the bridge piers.</p>	<p>VEHICLE PARKING: The proposed development is one handicapped parking stall with a paved surface on the approximately 9-acre Study Area. The parking stall is to be constructed in conjunction with other access facilities in the Study Area including an ADA-compliant hardened surface trail, lookout platform, and bridge. To accommodate a handicapped accessible parking stall along Omega Dr., a buffer from the wetland cannot exceed between 12' and 20'. Pedestrian access is directed away from the wetland. Additionally the Study Area was acquired for open space and scenic vistas. No major development is proposed for the Study Area.</p> <p>BRIDGE: Other construction of facilities is mentioned above. The bridge will span approximately 20' in a low-lying section of the creek. The wooden bridge is designed to accommodate pedestrians. The closest existing development Highway 1, approximately 163' to the east.</p>	<p>VEHICLE PARKING: The buffer was measured from the landward edge of the wetland. Wetland delineation methods followed those established in the Mendocino County Local Coastal Program and California Coastal Act.</p> <p>BRIDGE: Buffers were measured as above, but because the proposed project avoids the riparian area by spanning it, the project must be built within the buffer. It is not feasible to extend the bridge abutments beyond the buffer.</p>	<p>VEHICLE PARKING: No subdivisions or boundary line adjustments are proposed.</p> <p>BRIDGE: The project is entirely within the Study Area.</p>	

See 20.496.020 ESHA – Development Criteria	
(4a) Development shall be compatible with the continuance of the adjacent habitat area by maintaining the functional capacity, their ability to be self-sustaining and maintain natural species diversity.	<p>VEHICLE PARKING: The proposed parking stall will not impact the functional capacity of the wetland. The "core" wetland (Figure 1, Area "B") is 30' to 35' from the parking stall. Past the "core wetland" the vegetation becomes more adapted to drier conditions but is still considered part of the wetland. The outer edge of this vegetation to the parking stall is 12' at the narrowest and 22' at the widest. The parking stall does not impede the flow of water into the wetland.</p> <p>BRIDGE: The proposed bridge will not impact the functional capacity of the riparian habitat. The goal of the bridge is to reduce impacts to the creek channel.</p>
(4b) Structures will be allowed within the buffer area only if there is no other feasible site available on the parcel.	<p>VEHICLE PARKING: The parcel is bounded by the Pacific Ocean to the west, private property to the south and a portion of the eastern boundary, and Highway 1 to the east. The northern boundary is adjacent to private property and Omega Dr. Access from Highway 1 is not feasible because a turnout is necessary and the handicapped parking would be accessible only from southbound traffic. This would greatly increase the scale of the project. By CalTrans specifications, this access point would have to be located directly across from the street that intersects with Highway 1. By this location, there would also be encroachment into the existing riparian area buffer in the Study Area. The feasibility of locating the ADA parking on the southern portion of the Study Area is limited by archaeological features.</p> <p>BRIDGE: Pedestrian access to the southern part of the Study Area from the northern part must cross the creek at some point. The trail is in an area where the bank is naturally low, and this provides the best option for a placing a bridge.</p>
(4c) Development shall be sized and designed to prevent impacts which would degrade adjacent habitat areas. The determination of the best site shall include consideration of drainage, access, soil type, vegetation, hydrological characteristics, elevation, topography, and distance from natural stream channels. The term "best site" shall be defined as the site having the least impact on the maintenance of the biological and physical integrity of the buffer strip or critical habitat protection area and on the maintenance of the hydrologic capacity of these areas to pass a one hundred (100) year flood without increased damage to the coastal zone natural environment or human systems.	<p>VEHICLE PARKING: From several soil pits dug at the site of and adjacent to the parking stall, small pieces of introduced concrete and rock were recovered. The size of the parking stall appears to be an old access road with the remnants of some type of rock or concrete base, and the access point is still used for bringing mowing equipment to the site.</p> <p>BRIDGE: The bridge is to be constructed above the banks of the creek and would not be affected by high flow.</p>
(4d) Development shall be compatible with the continuance of such habitat areas by maintaining their functional capacity and their ability to be self-sustaining and to maintain natural species diversity.	<p>VEHICLE PARKING: Although in the buffer area, the proposed parking stall is compatible with the surrounding vegetation because the surrounding vegetation is not wetland vegetation. Native plants will be planted to enhance the cover of native vegetation.</p> <p>BRIDGE: Riparian vegetation will be maintained for native plant species above and below the bridge where cultural features do not prohibit removal. Additional planting of native plants adjacent to the bridge will ensure there is no break in riparian vegetation.</p>

Sec. 20.406 (2) ESHA -- Development Criteria	
(4c) Structures will be allowed within the buffer area only if there is no other feasible site available on the parcel. Mitigation measures, such as planting riparian vegetation, shall be required to replace the protective values of the buffer area on the parcel, at a minimum ratio of 1:1, which are lost as a result of development under this section.	<p>VEHICLE PARKING: Because no other access is feasible, the parking stall is proposed to be placed within the buffer. The parking stall occupies 0.02 acres within the buffer and the ADA trail leading to the lookout platform occupies 0.01 acres within the buffer. The wetland is approximately 0.07 acres and exotic plant will be removed and replaced with native plants. Additionally, invasive Himalaya blackberry will be removed at the end of the trail along the bluff edge and near the platform.</p> <p>BRIDGE: Any bridge over the creek would have to enter the riparian buffer. The intent of the bridge is to stop pedestrian traffic through the riparian habitat.</p>
(4d) Development shall minimize the following: impervious surfaces, removal of vegetation, amount of bare soil, noise, dust, artificial light, nutrient runoff, air pollution, and human intrusion into the wetland and minimize alteration of natural landforms.	<p>VEHICLE PARKING: The parking stall will be paved to accommodate access for people with disabilities. The trail leading off the parking stall will be a mixture of crushed rock and soil, allowing water to percolate through. No lights will be installed. A fence will be placed along the parking stall to minimize human intrusion into the wetland.</p> <p>BRIDGE: The installation of the bridge will minimize the human intrusion into the wetland. No lights are to be installed. Erosion will be minimized by constructing the bridge when the ground is sufficiently dry.</p>
(4j) Where riparian vegetation is lost due to development, such vegetation shall be replaced at a minimum ratio of one to one (1:1) to restore the protective values of the buffer area.	<p>VEHICLE PARKING: No riparian or wetland vegetation will be lost during construction. However, exotic plants in the wetland will be replaced with native plants and additional native plants will be planted around the wetland in the buffer area.</p> <p>BRIDGE: Because of the small size of the bridge and the existing trail through the creek, there will be minimal removal of riparian vegetation. To mitigate for this, exotic plants in the riparian vegetation will be removed to promote the growth of the native plants. Some native plants will be planted around the bridge abutments.</p>
(4b) Aboveground structures shall allow peak surface water flows from a one hundred (100) year flood to pass with no significant impediment.	<p>VEHICLE PARKING: Water would flow over the parking stall and percolate through the road base from subsurface water above the parking stall in the event there was flooding in the ditch that feeds the wetland.</p> <p>BRIDGE: The deepest points from the top of the bank to the channel bottom where the bridge crosses the creek is about 2'. The creek is seasonal, and building the bridge on the bank top would avoid damage from flooding.</p>
(4i) Hydraulic capacity, subsurface flow patterns, biological diversity, and/or biological or hydrological processes, either terrestrial or aquatic, shall be protected.	<p>VEHICLE PARKING: The parking stall will not significantly increase runoff to the site or interfere with hydrological processes. The site is also primarily covered with exotic plants. The edges of the parking stall, except at points of access to the trails, will be planted with native plants to restore the biodiversity of the buffer area from the wetland.</p> <p>BRIDGE: All criteria will be protected by the option of constructing a bridge that crosses the channel instead of the option to allow people to continue to walk through the creek.</p>

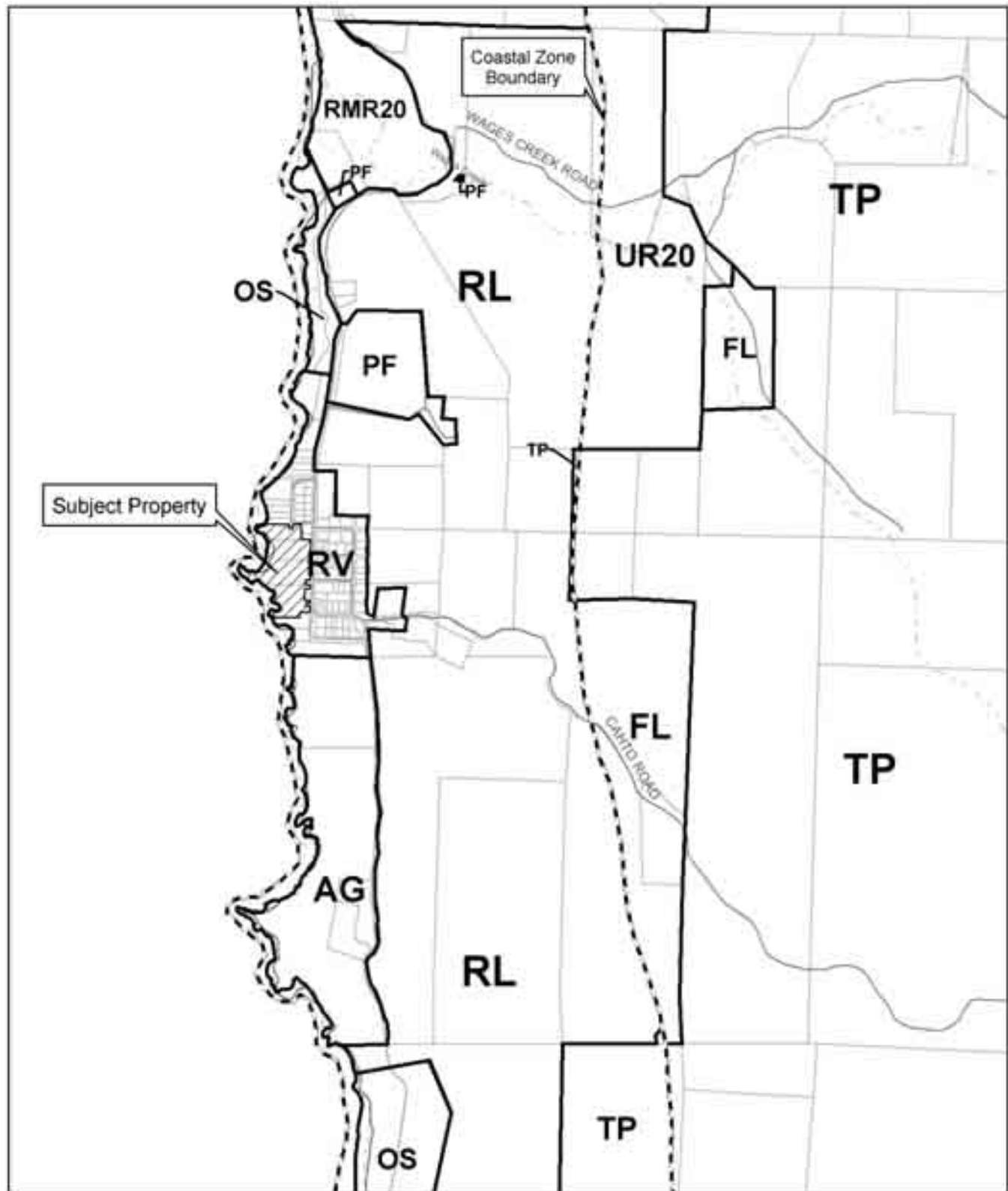
Sec. 20.496.020 ESHA – Development Criteria		
<p>(4) Priority for drainage conveyance from a development site shall be through the natural stream environment zones, if any exist, in the development area. In the drainage system design report or development plan, the capacity of natural stream environment zones to convey runoff from the completed development shall be evaluated and integrated with the drainage system wherever possible. No structure shall interrupt the flow of groundwater within a buffer strip. Foundations shall be situated with the long axis of interrupted impermeable vertical surfaces oriented parallel to the groundwater flow direction. Piers may be allowed on a case by case basis.</p>	<p>VEHICLE PARKING: Because there is no surface flow at the parking stall site, there will be no impact to the drainage at the site.</p> <p>BRIDGE: The bridge abutments are above the banks.</p>	<p>VEHICLE PARKING: Since a ditch was created along the south side of Omega Dr., its terminus has received more runoff causing the soils to become seasonally saturated and the vegetation to be adapted to wet conditions. Because the wetland is in a topographically low point in the vicinity, the general location of the wetland probably naturally received more subsurface flow than other areas in the vicinity. The wetland serves as a natural filtration of urban runoff and dissipates this flow. The installation of a parking stall will not have a significant effect on the wetland. However, because it is within the buffer of the wetland mitigation measures will be used. A split rail fence will be placed between the wetland and the parking stall and exotic plants will be removed from the wetland to promote the growth of native plants. Some native plants will be planted in the buffer between the wetland and the parking stall.</p> <p>BRIDGE: The bridge will correct the current impact of human intrusion into the creek. It will have no significant negative affect on the riparian habitat or the water quality. Because it is unavoidable to work outside the buffer to cross a creek, mitigation measures will include removing the exotic riparian vegetation to promote the growth and establishment of native plants, and some planting will occur adjacent to the bridge.</p>
<p>(4k) If findings are made that the effects of developing an ESHA buffer area may result in significant adverse impacts to the ESHA, mitigation measures will be required as a condition of project approval. Noise barriers, buffer areas in permanent open space, land dedication for erosion control, and wetland restoration, including off-site drainage improvements, may be required as mitigation measures for developments adjacent to environmentally sensitive habitats. (Ord. No. 3785 (prior), adopted 1991)</p>		



LOCATION MAP

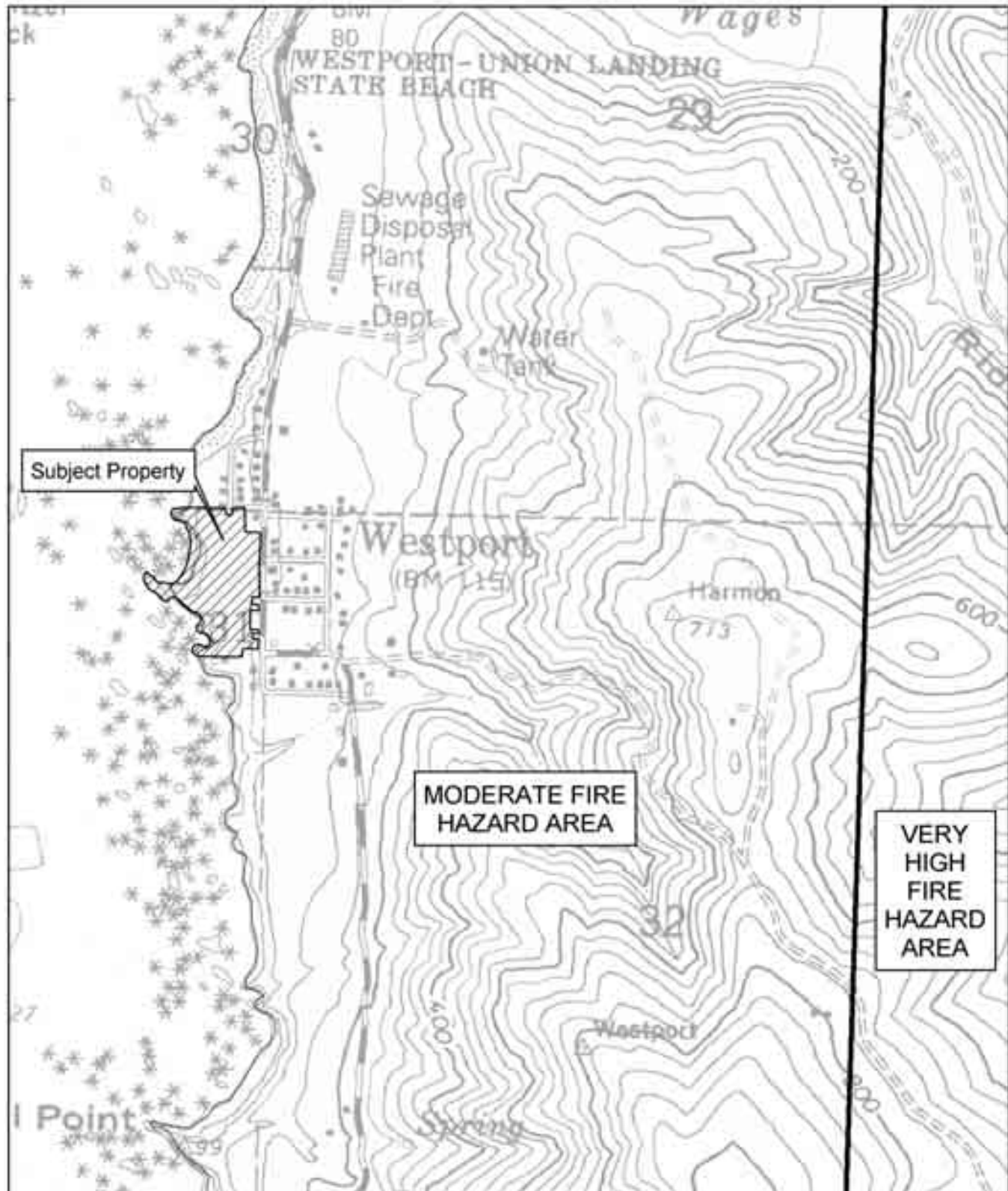
OWNER: WESTPORT VILLAGE SOCIETY, INC.
 AGENT: THAD VAN BUEREN
 CASE #: CDU 22-2003
 APN: 013-300-61, 013-300-62, 013-300-63 & 013-320-01



**ZONING DISPLAY MAP**

OWNER: WESTPORT VILLAGE SOCIETY, INC.
AGENT: THAD VAN BUEREN
CASE #: CDU 22-2003
APN: 013-300-61, 013-300-62, 013-300-63 & 013-320-01





FIRE HAZARD SEVERITY ZONES **WESTPORT FIRE PROTECTION DISTRICT**

OWNER: WESTPORT VILLAGE SOCIETY, INC.
 AGENT: THAD VAN BUEREN
 CASE #: CDU 22-2003
 APN: 013-300-61, 013-300-62, 013-300-63 & 013-320-01





ORTHOPHOTO OF PROPERTY

1993

OWNER: WESTPORT VILLAGE SOCIETY, INC.
AGENT: THAD VAN BUEREN
CASE #: CDU 22-2003
APN: 013-300-61, 013-300-62, 013-300-63 & 013-320-01





PHOTO OF NORTH PORTION OF PROPERTY

November 5, 2002

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OWNER: WESTPORT VILLAGE SOCIETY, INC.

AGENT: THAD VAN BUEREN

CASE #: CDU 22-2003

APN: 013-300-61, 013-300-62, 013-300-63 & 013-320-01



PHOTO OF SOUTH PORTION OF PROPERTY

November 5, 2002

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OWNER: WESTPORT VILLAGE SOCIETY, INC.

AGENT: THAD VAN BUEREN

CASE #: CDU 22-2003

APN: 013-300-61, 013-300-62, 013-300-63 & 013-320-01